

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

ORDER

On June 21, 2012, the magistrate judge's report and recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. On July 11, 2012, petitioner filed a "Motion for Determination" in which he objects to the authority and propriety of the undersigned district judge and United States Magistrate Judge Harwell G. Davis, III, to adjudicate this action. He also contests the recommendation of the magistrate judge that the filing be construed as a Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 and that the motion be denied pursuant to 28 U.S.C. §§ 2255(e) & (h). To the extent petitioner's "Motion for Determination" is considered as his objections to the report and recommendation, and, indeed, he is objecting therein to the report and recommendation, the objections are untimely and will not be considered by the court.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court ADOPTS the report and ACCEPTS the

recommendations. Accordingly, it is ORDERED, ADJUDGED and DECREED that the Motion to Vacate, Set Aside or Correct Sentence, filed pursuant to 28 U.S.C. § 2255, is due to be, and it hereby is, DENIED pursuant to 28 U.S.C. §§ 2255(e) & (h) and this action DISMISSED.

DONE and ORDERED this 5th day of July, 2012.



United States District Judge